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LETTER DATED 7 MARCH 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to attach the executive summary and key findings, as well as the sections entitled "Police integrity and ethics" and "The West Mostar Special Police", of the report prepared by the International Police Task Force (IPTF) pursuant to the decisions on Mostar of 12 February 1997 (see annexes I-IV, respectively). The photographic evidence included in the original text of the report, along with the list of individuals identified in the document, will be available in the files of the Secretariat to members of the Security Council upon their request.*

I should be grateful if you would bring the present letter and its attachments to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

* The photographic evidence and the text of the document may be consulted in room S-3720B.

Annex I

Executive summary

On 10 February 1997, a procession of several hundred Bosniacs, led by religious and political leaders, marched from Rade Bitange Street in East Mostar towards a cemetery in West Mostar on Kneza Mihajla Humskog Street (Liska Street). The group was celebrating the Bajram religious holiday, during which cemetery visits are a common occurrence. The West Mostar police had been notified of the group's intention to visit the cemetery. Led by the Deputy Mayor of Mostar and accompanied by three monitors of the International Police Task Force (IPTF), the group travelled across the Bulevar, the former confrontation line between the communities of East and West Mostar. Upon crossing the Bulevar, the group began to walk up Kneza Mihajla Humskog Street (Liska Street) to the site of the cemetery. At the time of the march, the West Mostar community was celebrating a family carnival[a] several blocks away at the Rondo.

As the procession entered Kneza Mihajla Humskog Street (Liska Street), they were met by three or four uniformed West Mostar police officers, some of whom advised them not to cause trouble and others who advised them not to proceed further. Following a brief discussion between the march leaders and the West Mostar police on the scene, the group continued to walk towards the cemetery.

The procession proceeded for approximately 100 metres, when they were again stopped by West Mostar police officers. A brief discussion took place and the police were observed shaking hands with members of the group. An IPTF monitor on the scene made motions that were interpreted by the group to mean they should continue.

The procession proceeded down the street for another 10 metres, when a white police van belonging to the West Mostar police came down Kneza Mihajla Humskog Street (Liska Street) towards the marchers, stopping across the roadway in an attempt to block the marchers. This was within 100 metres of the cemetery. The marchers walked around this police vehicle and continued walking towards the cemetery. As they moved around the police vehicle, West Mostar police officers were seen using their radio handsets.

As the procession neared the edge of the cemetery, at least 15 plain-clothes and uniformed West Mostar police officers were seen approaching the group, walking from the direction of the Rondo on Kneza Mihajla Humskog Street (Liska Street). Upon reaching the marchers, these police stopped the group at the edge of the cemetery. Some of the officers were holding batons in their hands. The West Mostar police shouted at the crowd. They drew their batons, and a number of the police officers began to beat members of the group. The group began to retreat back down the street in the direction from which they had come, with the officers following them, hitting stragglers with their batons. At least five of the procession members required medical attention for injuries caused by the beatings.

At that point at least one plain-clothes officer had a pistol in his hand, and one West Mostar uniformed police officer fired his weapon in the air as the marchers retreated. At least two plain-clothes police officers, with weapons drawn, then fired into the retreating marchers, killing one person (Mr. Sulejmanovic Sefik) and wounding at least 20 others.

During the retreat of the marchers, someone in that group threw a rock. The window of a police van was also broken. The West Mostar police have alleged that three of their officers were injured by the marchers; however, there is insufficient evidence to substantiate the claim that two of those officers were injured during this confrontation. They may have been injured in the violence that ensued during the evening following the confrontation. The only substantiated evidence of injury to a West Mostar police officer caused by the marchers was a fractured nose.

Two West Mostar police officers were photographed firing into the retreating crowd: Zeljko Planinic and Ivan Hrkac, who is the Deputy Chief of Police in West Mostar. One plain-clothes officer, Bozo Peric, was identified by witnesses and seen firing into the crowd. Because it appears he was standing by the photographer, he does not appear in the photographs. Three other police officers were photographed with their weapons drawn, but were not observed pointing at or firing upon the crowd: Zlatko Pavlovic, Josip Cvitanovic and an as yet unidentified uniformed West Mostar police officer.

As reports of the violence spread, random and sporadic attacks on citizens in locations around the city and on routes into and out of Mostar were reported. Many of the attacks were by Bosniacs against Bosnian Croats; but there were some attacks against Bosniacs by Bosnian Croats as well. No arrests were reported to IPTF in any of the situations.

Twenty-eight Bosniac families were illegally evicted from their apartments and 19 others fled West Mostar in fear following the event. In the days after the evictions, those who wished to return to their apartments were reinstated. Six arrests of suspects were made by West Mostar police after intervention by the international community.

The investigation showed that not only did the West Mostar police receive advance notification of the planned march to the cemetery, but they assigned police officers to the route in advance of the march. There was no contact, visual or physical, between the marchers and those attending the West Mostar carnival. The police stopped the marchers at the edge of the cemetery, which they had a right to visit, and which was more than 200 metres from the carnival site.

The use by law enforcement officers of excessive force in beating marchers, and of unnecessary and disproportionate lethal force, resulted in one death and numerous injuries. Such actions by law enforcement officials are criminal acts, and constitute violations of internationally recognized standards of law enforcement, of the European Convention on Human Rights, which applies directly in Bosnia and Herzegovina, and of the Law on the Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina.

There was a concerted effort from the highest level of the West Mostar police to hide the facts of the confrontation of 10 February 1997. The inaccuracy of information presented by the West Mostar police to the IPTF investigators, including by the Chief of Police Marko Radic, reflects the absence of professional leadership at the highest level in the West Mostar police. Had such professional police leadership been in place, the events of 10 February 1997 would probably not have occurred.

The failure of the police, of both East Mostar and West Mostar, to provide protection to potential and actual victims of the series of cross-ethnic attacks within the city and on the travel routes leading from it in the days following the confrontation on 10 February illustrates the serious absence of professional police leadership throughout the area.

Notes

* Each year the West Mostar community holds a carnival near the Rondo. It is a family event and is held on a specific date determined by the number of days preceding Easter. It is coincidental that Bajram and the carnival fell on the same date.

Annex II

Key findings

The United Nations International Police Task Force (IPTF) investigated the 10 February incident in order to establish the facts surrounding the case and to identify those responsible for the violence. Included in that investigation was a review of the allegations made by Bosnia and Herzegovina and Federation officials and Mostar citizens in the media. From the facts uncovered by the investigation team, 12 key findings were reached regarding the events:

1. West Mostar police officers fired their weapons at the crowd as it was retreating from the scene, killing 1 person and injuring 20 others.

Two West Mostar police officers were photographed firing into the retreating crowd: Zeljko Planinic and Ivan Hrkac, who is the Deputy Chief of Police in West Mostar. One plain-clothes officer, Bozo Peric, was identified by witnesses and seen firing into the crowd. Because it appears he was standing by the photographer, he does not appear in the photographs. Three other police officers were photographed with their weapons drawn, but were not observed pointing at or firing upon the crowd: Zlatko Pavlovic, Josip Cvitanovic and an as yet unidentified uniformed West Mostar police officer. One Bosniac was killed and 20 were injured by gunfire, including the Mufti, and 6 Bosniacs were treated for wounds from the beating. Three of the Bosniacs at the scene who were shot remained lying in the street after the incident, including the one who was fatally wounded. Others were wounded by gunfire but managed to leave the scene.

All the West Mostar police officers who were photographed with weapons in their hands denied, in their interviews, being in possession of any weapons at the time of the confrontation. The Deputy Chief of Police of West Mostar denied even being in the confrontation, claiming that he arrived only behind the advancing police officers coming from the Rondo carnival.

Following the shooting, IPTF recovered 12 spent cartridge casings and one 9-millimetre bullet in the area where the West Mostar police were observed and photographed pointing their weapons at the Bosniac crowd. The ammunition is the same type as that used by the West Mostar police.

2. Uniformed and plain-clothes members of the West Mostar police physically assaulted the Bosniac procession members.

Video and photographic evidence shows uniformed officers beating the crowd with batons. There is no evidence to support the West Mostar police claim that the Bosniacs provoked that assault. According to a statement by the Stabilization Force (SFOR), the West Mostar police were acting in an aggressive and provocative manner.

3. The West Mostar police used excessive force, including unjustified lethal force, against the Bosniac marchers.

The use by law enforcement officials of excessive force in beating marchers, and of unnecessary and disproportionate lethal force, resulted in one death and numerous injured. Such actions by law enforcement officials are criminal acts.

The use of firearms by law enforcement officials is only lawful under limited circumstances, including self-defence or defence of others against the imminent threat of death or serious injury, or if other means would be ineffective. Because these factors were absent, and the marchers were actually retreating when shots were fired, the use of lethal force by the West Mostar police was unnecessary and disproportionate. In addition, the West Mostar police used excessive force in beating marchers who posed no immediate threat to them. These actions by the West Mostar police constitute violations of internationally recognized standards of law enforcement, of the European Convention on Human Rights, which applies directly in Bosnia and Herzegovina, and of the Law on the Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina.

4. The West Mostar police, and its leadership, are responsible for the confrontation with the Bosniac marchers, which resulted in violence.

The West Mostar police failed to plan and act appropriately when notified of the Bosniac procession. The West Mostar police could have taken action to prevent the confrontation. They were notified of the planned cemetery visit and had uniformed officers along the route. The West Mostar police chose to stop the marchers just short of the cemetery although they could easily have blocked Kneza Mihajla Humskog Street (Liska Street) at a point just past the cemetery. This would have accomplished the stated purpose of the West Mostar police of preventing the Bosniac marchers from coming into contact with those attending the carnival without causing a confrontation.

There is no conclusive evidence that the West Mostar police planned the violent confrontation with the Bosniac procession; however, there are several factors that tend to support that contention. A large number of special police were assigned to the nearby carnival at the Rondo, which they describe as a family gathering, hardly worthy of such a police presence. In addition, both the photographic evidence and interviews with witnesses and West Mostar police indicate that the police officers on the scene, including Deputy Chief of Police Hrkac, did not make any observable effort to stop the use of force or even attempt to restrain their fellow plain-clothes officers during the shooting. The lack of response by the police officers who were present suggests that the use of force may have been expected on that day. However, Deputy Chief of Police Hrkac has stated that the only reason the plain-clothes police responded to the scene was in response to a police radio call for assistance. Both witness statements and photographic evidence show that the police who assaulted the crowd did not arrive until after the radio call.

5. West Mostar police officials attempted to cover up actions of their officers and created confusion among the public as to what actually occurred.

The number of false statements provided to IPTF investigators, the resistance for some time of West Mostar police to providing IPTF investigators with the evidence they requested and the general lack of cooperation by the West Mostar police were all part of what appears to be a concerted effort to prevent the true facts about the incident from being discovered.

The West Mostar police did little investigation of their own into the events of the day. They failed to undertake a crime scene search immediately after the incident. They failed to interview key witnesses. They failed to collect important evidence. Their actions constituted a failure to respond in a professional manner and an absence of professional leadership at the highest levels.

6. The West Mostar police had been informed in advance of the Bosniac march to the cemetery.

There is substantial evidence to indicate that the West Mostar police were fully aware of the planned cemetery visit by the Bosniacs, contrary to claims that they were completely unaware of the planned march.

Chief of Police Radic of West Mostar police has stated that the police had no prior knowledge of the Bosniac Bajram visit to the cemetery.

However, on 10 February, in the morning, IPTF Mostar 1 station monitors Sabir Mohammad and Steav Teodor called the West Mostar police station to confirm that the West Mostar police would provide security for the cemetery visit. The West Mostar police shift team leader, Dragan Marincic, replied that he was not aware that a cemetery visit of Bosniacs was planned. He made a telephone call and then advised the IPTF monitors that the West Mostar police would provide security for the cemetery visit and at the Rondo carnival.

A Bosniac police officer of the Unified Police Force of Mostar (UPFM), who was working with a Bosnian Croat UPFM officer that day stated in his interview with the IPTF investigators that he and his partner had informed the base station in West Mostar on 10 February about the planned cemetery visit. The duty officer at the West Mostar police, Dragan Marincic, acknowledged that he had been informed by telephone and had stated that he was aware of the visit and that there would be no problem. The investigation shows that Mr. Marincic contacted UPFM at 1300 hours and stated again that everything was taken care of in relation to the Bosniac cemetery visit.

The Deputy Minister of the Interior of the Herzegovina Neretva Canton, Mr. Djiho (a Bosniac), stated that in 1994, the Islamic Society based in Sarajevo had declared the day of Bajram as one for visiting cemeteries and commemorating the loss of lives during the war. The practice of visiting cemeteries on the religious holiday, called Id al-Fitr, is also carried out throughout the Muslim world. A visit to the same West Mostar graveyard occurred in 1996 without incident.

Mr. Safet Orucevic, the Deputy Mayor (Bosniac), stated that he had notified the West Mostar police of the planned cemetery visit by telephone on Sunday, 9 February 1997. IPTF monitor Azevedo, assigned to work at UPFM, confirms being advised of the procession on 9 February.

7. The general character of the procession was peaceful, even after the West Mostar police attempted to stop the cemetery visit.

The procession was led by Mr. Smajkic, the Mufti, Mr. Djiho, the East Mostar Chief of Police, and Mr. Orucevic, the Deputy Mayor of Mostar. The video and photographic evidence show that the march was made up of middle-aged men and women, as well as elderly and young people. No weapons among the marchers are seen in any of the video or photographic evidence.

The marchers in the procession can be seen in the video carrying flowers. The cemetery contains both Muslim and Catholic graves. Some procession members claimed to have relatives and friends buried in the cemetery; others claimed to be honouring "the defenders of Mostar".

8. There was no contact or confrontation between the Bosniac marchers and those attending the carnival.

There is no evidence of confrontation or any contact between the marchers and the Bosnian Croats attending the carnival, as some have claimed. The cemetery and site of the confrontation are not visible from the carnival site, as the photographs clearly show. It is clear the procession could have continued to the cemetery without having any contact with those attending the carnival.

A review of video and photographic evidence shows that the procession was stopped in front of the cemetery by a group of 15 men in civilian clothes, a number of whom were subsequently identified as West Mostar Civilian or Special Police officers. These men were also in possession of Motorola radios and batons similar to those used by the West Mostar police.

9. There is no evidence that members of the Bosniac procession carried weapons, or that they acted aggressively before the West Mostar police fired upon them.

Although the West Mostar police made statements that the Bosniac marchers were armed, this has not been substantiated. There is no indication in any of the video or photographic evidence of procession members carrying knives or other weapons. Further, no such weapons were seen or seized from the crowd by the police or SFOR. IPTF, SFOR and Bosniac witnesses characterized the crowd as controlled, serious and respectful.

Following the shooting, the Bosniacs were observed committing three acts of violence. The first involved one Bosniac male throwing a stone; the second involved several Bosniac members of the procession seen striking a West Mostar police vehicle and damaging its windscreen; and the third involved a Bosniac male injuring a West Mostar police officer in the nose. The video and photographic evidence, as well as statements from witnesses, indicate that these

acts of violence occurred following the West Mostar police's use of batons against the crowd. This is the only violence by the marchers that has been corroborated by the evidence.

The West Mostar hospital submitted a list of the names of 17 Bosnian Croats, including 3 police officers, who have claimed injury caused by Bosniacs on 10 February. IPTF investigators determined that this is a list of Bosnian Croats injured in the violence that ensued on the evening following the confrontation. The three police officers are the only individuals who claim to have been injured during the confrontation. There is insufficient evidence to substantiate the claim that two of those officers were injured at the scene. They may have been injured in the violence that ensued during the evening following the confrontation. The only substantiated evidence of injury to a West Mostar police officer caused by the marchers was a fractured nose.

10. An IPTF monitor made a gesture that was interpreted as encouragement for the Bosniac procession to move forward.

The marchers observed a female IPTF monitor walking at the front of the procession and waving her hand in a manner that they believed meant they should proceed around the first police officers whom the marcher's encountered. The monitor, in her interview with investigators, stated that she was motioning a second monitor to come forward with a hand gesture. From the video, it is impossible to determine whether the monitor was encouraging the crowd forward or motioning to a second monitor, but the clear belief among those marchers interviewed was that the monitor was encouraging them to proceed.

While there was a perception among some people interviewed that the monitor's actions had led the marchers into the eventual confrontation with the police, at the time of the monitor's actions, there was no indication that the visit would not remain peaceful or that the march would be any different from the march to the cemetery that had occurred the previous year.

11. The West Mostar police attempted to cover up the facts concerning the events on 10 February 1997, with support from the highest level of the force.

There was a concerted effort from the highest level of the West Mostar police to hide the facts of the confrontation of 10 February 1997. The amount of inaccurate information presented by the West Mostar police to the IPTF investigators, including by Chief of Police Radic, reflects the absence of professional leadership at the highest level in the West Mostar police.

There are numerous examples of the attempted cover-up of facts. For example, Chief of Police Marko Radic told investigators first that the Special Police were not under his command but reported directly to Minister Coric, and later that the Special Police did not exist. Both statements were found to be untrue.

In another instance, when shown a clear photograph of an individual later identified as West Mostar Deputy Chief of Police, Ivan Hrkac, Chief of Police Marko Radic told the investigators that he could not identify the

individual. Many other people who viewed the photograph of the individual immediately identified him as Ivan Hrkac.

In another example, the West Mostar plain-clothes officers identified from photographs as being at the scene and having weapons, when interviewed, all stated that they were unarmed. Specifically, Ivan Hrkac, the Deputy Chief of Police, and Josip Cvitanovic, a West Mostar police officer, both stated that they were unarmed, but are shown in the photographic evidence holding weapons.

12. There were numerous attacks on civilians, both Bosnian Croat and Bosniac, in the aftermath of the event at the cemetery. Police took little action to arrest the perpetrators or to protect innocent persons who were attacked.

Following the confrontation at the cemetery between the West Mostar police and the marchers, there were a large number of attacks on people throughout the Mostar region. A number of those attacks were on traffic routes leading from Mostar, where Bosnian Croat vehicles were attacked by people near the roadway. In each of those attacks police did nothing to protect citizens from attack or to arrest the perpetrators.

Annex III

Police integrity and ethics

Throughout the investigation of the incident in West Mostar, the investigators were faced with numerous instances of the West Mostar police failing to tell the truth or attempting to conceal important information. Some of the most egregious examples of this were the following:

1. Chief of Police Marko Radic told investigators first that the Special Police were not under his command but reported directly to Minister Coric, and later that the Special Police did not exist.

Both statements are untrue. Minister Coric told investigators that the Special Police do exist and report directly to Chief Radic. When shown photographs at a subsequent interview, Chief Radic admitted that several of the officers at the scene were Special Police.

2. When shown a clear photograph of an individual later identified as West Mostar Deputy Chief of Police, Ivan Hrkac, West Mostar Chief of Police Marko Radic told the investigators that he could not identify the individual.

Many other people who viewed the photograph of the individual immediately identified him as the West Mostar Deputy Chief of Police Ivan Hrkac.

3. The West Mostar plain-clothes officers identified from photographs as being at the scene and having weapons, when interviewed, all stated that they were unarmed.

The photographs clearly indicate that the officers present at the scene were armed, contrary to the officers' statements. Specifically, Mr. Josip Cvitanovic stated that he was unarmed, although he can be clearly seen in photograph No. 23 with a gun pointed in the air. The Deputy Chief of Police, Ivan Hrkac, also stated that he was unarmed, but he is shown in photographs Nos. 29 and 30 pointing his weapon at the retreating crowd.

4. West Mostar police all asserted in their interviews that neither they, nor any of their colleagues, fired their weapons at the marchers.

The photographic evidence clearly shows these police officers aiming their weapons at the retreating group of marchers. The investigative team collected numerous bullet casings at the scene from the exact spot where the police officers are seen in the photographs standing and pointing or firing their weapons at the retreating marchers.

5. The West Mostar Chief of Police Marko Radic stated in his interview that the West Mostar police were not informed in advance of the cemetery visit.

The interviews indicated that such notification was made, both to West Mostar police officers working at the Unified Police Force of Mostar and to the

West Mostar police station duty officer. . The names of those who notified the police of the planned march, and the names of those who received the information, were identified.

6. A number of West Mostar police officials made statements in interviews and to the media that the crowd was heavily armed and made up of many strong young men.

Neither the videotape and photographic evidence, nor the numerous interviews with individuals at the scene, support either of these claims. Additionally, the videotape and photographic evidence shows the march was made up of middle-aged men and women, as well as elderly and young people. No weapons among the marchers are seen in any of the video or photographic evidence.

Annex IV

The West Mostar "Special Police"

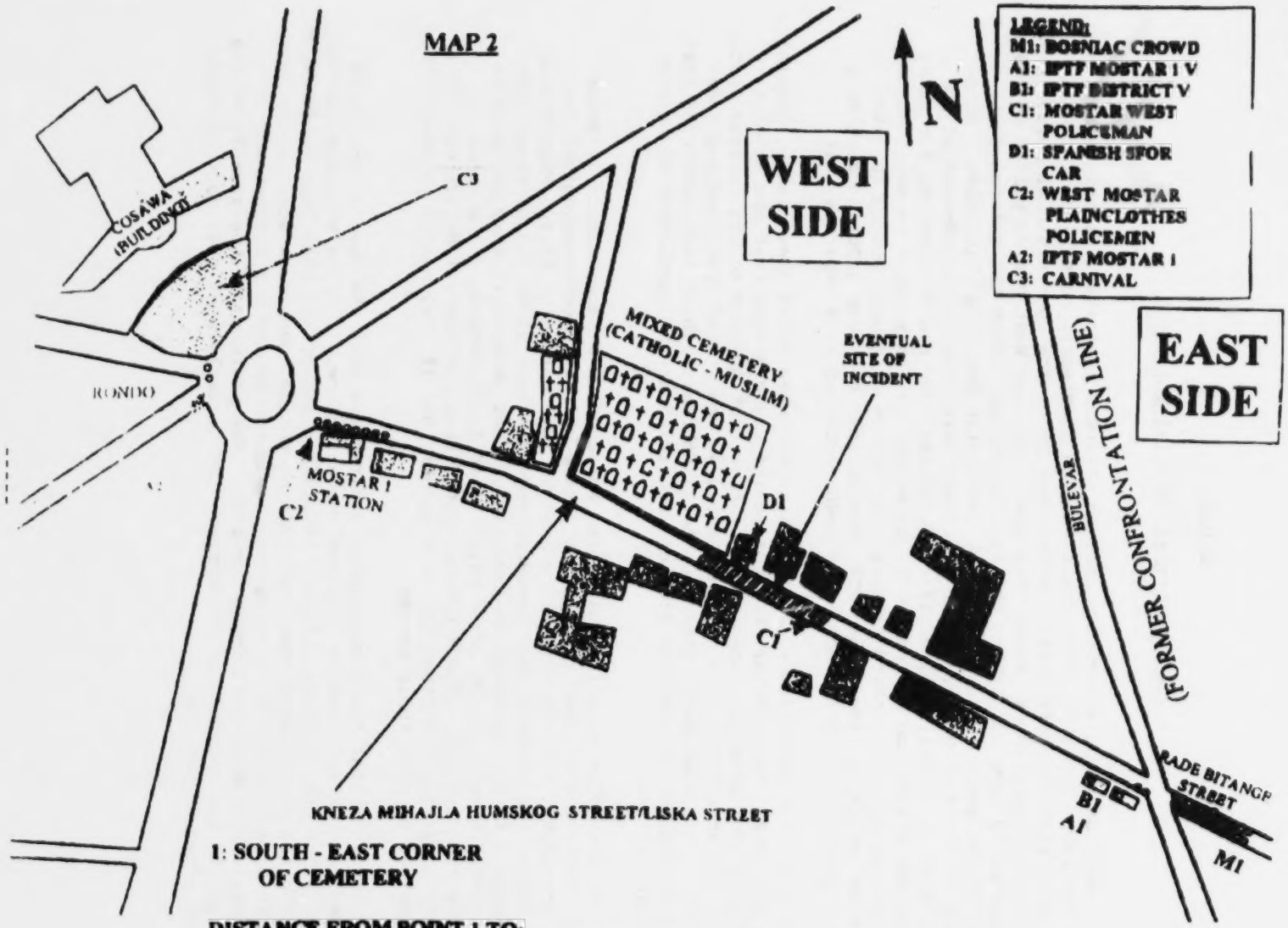
A number of the plain-clothes police officers identified as being involved in the confrontation were individuals who had previously been listed as West Mostar Special Police officers. In December 1996, the International Police Task Force (IPTF) Commissioner, Peter FitzGerald, advised West Mostar police officers that they would have to disband the Special Police, since the existence of Special Police was not consistent with democratic policing principles. Both West Mostar and East Mostar police officials were eventually informed of the need to dismiss Special Police officers, unless they had been vetted for entry into the new Federation police force, in which case they could be assigned to normal police duties, working from regular police stations, and in the same uniform as regular police. The IPTF Commissioner had been informed regularly that the Special Police in Mostar had been disbanded as a separate unit.

In his first interview with investigators, when asked about these "Special Police officers," West Mostar Chief of Police Radic stated that the Special Police were not under his command, but rather that of Herzegovina Neretva Canton Interior Minister Coric. In a later interview, he stated that they had been disbanded. In a subsequent interview on 19 February, Chief Radic admitted that several of the men in civilian clothes identified at the scene were members of the Special Police.

In an interview with investigators, Herzegovina Neretva Canton Interior Minister Coric stated that the Special Police unit had been reorganized four months previously and its members redeployed in other units of the West Mostar police force. He claimed they numbered approximately 90 to 100 officers and were assigned to the carnival in civilian clothes because if they had come to the carnival in uniform, it would have looked like provocation to those attending the carnival. The Minister stated that the Special Police were often assigned, in civilian clothes, in this manner, but if they needed to react, they were required to show their badges.

It is clear that the Commissioner's directive that the Special Police be disbanded was not followed by the West Mostar police, in spite of claims to the contrary. The use of these officers in plain-clothes, and the clear evidence in the videos and photographs that they bore no police identification, is a clear violation of internationally recognized standards of law enforcement and fundamental democratic policing principles. The pictures of the assault on the procession to the cemetery on 10 February 1997 clearly show that many of these officers acted unlawfully.

MAP 2



1: SOUTH - EAST CORNER OF CEMETERY

DISTANCE FROM POINT 1 TO:

- JUNCTION KNEZA MIHAJLA HUMSKOG STREET/LISKA ST. / RONDO = 216 m.
- JUNCTION KNEZA MIHAJLA HUMSKOG STREET/ LISKA ST. / BULEVAR = 255 m.

(SCALE APPROX.: 1/500)